F.B.I. Chief Says Bureau Keeps Files on Congressmen

1/22/76

By ANTHONY RIPLEY
Special to The New York Times

WASHINGTON, Jan. 21 — Clarence M. Kelley, Director of the Federal Bureau of Investigation, said today that the bureau keeps files on members of Congress, but he denied any impropriety.

Mr. Kelley, in a three-page statement, said current F.B.I. practice was to seek out information on Senators and Representatives only in investigations of Federol crimes or in background checks of men nominated for posts in the executive branch or in the courts.

Unsought information that the bureau comes across, he said, is also kept in case a man should receive an appointment at a later date.

"Information concerning members of Congress is maintoined in various files at F.B.I. headquarters in Washington, D.C.," Mr. Kelley said.

"Such files exist because they relate to an investigation or a background check, correspondence with the number of congress, or information not solicited by the F.B.I., but volunteered by the he said.

'Appropriately Investigated'

If volunteered allegations relate to Federal crimes, Mr. Kelley said, "they are appropriately investigated." If they do not, he said, the F.B.I. writes to the person who volunteered the information saying it is not within the bureau's jurisdiction.

All of this, including tips that cannot be used and letters of reply, "is filed for record purposes," he said.

Mr. Kelley noted that there had been "recent allegations that the F.B.I. is currently improperly soliciting information . . . or misusing information in F.B.I. files concerning members of Congress."

"I wish to state unequivocally that such statements are erroneous and without any basis in fact," he said.

His statement said nothing about past practices at the bureau.

Allegations have been raised over the last few years that the F.B.I. kept secret dossiers on Senators and Representatives, that such files were used by J. Edgar Hoover, the late director, to aid his friends in Congress and that the files contained material on such things as sexual conduct and drinking habits.

Bureau personnel have at various times admitted, denied or qualified their answers to questions about such files.

To Testify in House

A spokesman for the F.B.I., asked why Mr. Kelley had spoken only of current practices at would answer further questions on the subject before a subcommittee of the House Judiciary Committee on Jan. 30.

Those hearings were announced today by Representative Don Edwards, Democrat of California, chairman of the Subcommittee on Civil and Constitutional Rights.

Also scheduled to be heard is Attorney General William B. Saxbe. Appearing at later hearings will be Cartha D. Deloach and John P. Mohr, both former assistant directors, and "very possibly" Helen Gandy, former personal secretary to Mr. Hoover, Mr. Edwards said.

The latest hearings were prompted by articles in The Washington Post quoting Mr. Deloach and another top-ranking former F.B.I. official as admitting that the bureau once kept files on the personal lives of members of Congress.

Representative Edwards said the issue of keeping file on Congressmen was raised before his subcommittee last February and that at the time Mr. Kelley and his aides were "closely questioned" and that the existence of personal and political files "was completely denied."

"The subject is much larger than the F.B.I.'s maintainlng files on members of congress," Mr. Edwards said in a prepared statement. "No American's personal or political life is the concern of a Government agency. Every presumption must be in favor of constitutionally guaranteed privacy. Unless there is evidence of a criminal law violation, the F.B.I. may not maintain records on private or public persons."

United Press International

John J. McDermott, assistant F.B.I. director, reading statement of Clarence M. Kelley, director, at news conference.